

J1UVEVAP

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

17 CR 684 (ER)

6 LAMONT EVANS,

7 Defendant.

PLEA

8 -----x  
9 New York, N.Y.  
10 January 30, 2019  
11 4:33 p.m.

12 Before:

13 HON. EDGARDO RAMOS,

14 District Judge

15 APPEARANCES

16 GEOFFREY S. BERMAN,  
17 United States Attorney for the  
18 Southern District of New York  
19 ELI J. MARK  
20 ROBERT L. BOONE  
21 NOAH SOLOWIEJCZYK  
22 Assistant United States Attorneys

23 WILLIAM R. MARTIN  
24 ADEY O. ADENRELE  
25 Attorneys for Defendant

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1 (Case called)

2 MR. MARK: Good afternoon, your Honor.

3 Eli Mark, Robert Boone, and Noah Solowiejczyk, for the  
4 government.

5 THE COURT: Good afternoon.

6 MR. MARTIN: Good afternoon, your Honor.

7 William Martin, on behalf of Mr. Lamont Evans.

8 Your Honor, with me at counsel table is a young  
9 lawyer, an associate at my firm; his name is Adey Adenrele.

10 Mr. Adenrele has not yet filed a *pro hac vice* motion;  
11 he will do so prior to sentencing.

12 With your Honor's permission, may he sit at counsel's  
13 table with me?

14 THE COURT: He's absolutely welcome to stay.

15 MR. MARTIN: Thank you.

16 And Mr. Evans is present, Judge.

17 THE COURT: Good afternoon to you, all.

18 Mr. Martin, what are we doing?

19 MR. MARTIN: Your Honor, Mr. Evans has reviewed the  
20 indictment. We negotiated and discussed this matter with the  
21 assistants in the U.S. Attorney's Office. And Mr. Evans today  
22 would like to change his plea from that of not guilty to one of  
23 guilty to Count One, conspiracy to commit bribery.

24 THE COURT: Thank you.

25 Mr. Evans, your attorney has -- you may be seated,

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1 Mr. Martin.

2 MR. MARTIN: Thank you, your Honor.

3 THE COURT: Your attorney has advised me that you wish  
4 to enter a plea of guilty.

5 I'm happy to take your plea. However, before I do  
6 that, I need to ask you a series of questions.

7 And essentially I'm trying to determine in the first  
8 instance that you understand what is going on here today and  
9 the consequences of taking a plea of guilty. And I'm also  
10 trying to determine whether you are, in fact, guilty to the  
11 crime to which you wish to plead guilty.

12 And it's vitally important that you be absolutely  
13 truthful to the questions that I ask you and, therefore, I'm  
14 going to have you placed under oath. Okay?

15 THE DEFENDANT: Yes, sir.

16 (Defendant sworn)

17 THE COURT: You may be seated. And you can remain  
18 seated throughout this proceeding.

19 Now, Mr. Evans, you are now under oath. Do you  
20 understand that if you answer any of my questions falsely, your  
21 answers could be used against you in a prosecution for perjury  
22 or for making a false statement?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: As I indicated, I'm going to ask you a  
25 series of questions. If I ask you a question and you don't

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1 understand it, just let me know that and I'll rephrase it. Or  
2 if I ask you a question and you wish to speak with your  
3 attorneys before answering, just let me know that, I'll  
4 accommodate you. Okay?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: We're going to start with some background  
7 questions.

8 Sir, what is your full name?

9 THE DEFENDANT: Lamont James Evans.

10 THE COURT: How old are you, sir?

11 THE DEFENDANT: Forty-one years old.

12 THE COURT: How far did you get in school?

13 THE DEFENDANT: Bachelors degree, undergrad at Kansas  
14 State University.

15 THE COURT: So you are able to read and write in  
16 English?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Mr. Evans, are you now or have you  
19 recently been under the care of a doctor or psychiatrist?

20 THE DEFENDANT: No, sir.

21 THE COURT: Have you ever been treated or hospitalized  
22 for any mental illness or any type of addiction, including drug  
23 or alcohol addiction?

24 THE DEFENDANT: No, sir.

25 THE COURT: In the past 24 hours, have you taken any

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1 drugs, medicine, or pills, or have you consumed any alcohol?

2 THE DEFENDANT: No, sir.

3 THE COURT: Is your mind clear today?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Evans, are you feeling well enough to  
6 proceed and to understand what is going on here today?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Martin has informed me that you wish  
9 to enter a plea of guilty; is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Mr. Evans, have you had a full opportunity  
12 to discuss this case with your attorneys, including any  
13 possible defenses that you might have?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you had a full opportunity to discuss  
16 with your attorneys the consequences of entering a plea of  
17 guilty?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Are you satisfied with your attorneys and  
20 their representation of you?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Does either counsel have any doubt as to  
23 Mr. Evans's competence to enter a guilty plea at this time?

24 MR. MARK: No, your Honor.

25 MR. MARTIN: No, your Honor.

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1                   THE COURT: Very well.

2                   On the basis of Mr. Evans's responses to my questions  
3 and my observations of his demeanor, I find that he is fully  
4 competent to enter an informed guilty plea at this time.

5                   The next series of questions that we need to go over,  
6 Mr. Evans, involve the rights that you are giving up, including  
7 the constitutional rights that you are giving up. So please  
8 listen very carefully.

9                   First, you have a right to be represented by an  
10 attorney at trial and at every other stage of the proceeding.  
11 If you could not afford an attorney, an attorney would be  
12 appointed to represent you without cost to you.

13                  Do you understand that?

14                  THE DEFENDANT: Yes, sir.

15                  THE COURT: You have a right to a speedy and public  
16 trial by a jury on the charges against you which are contained  
17 in the indictment. Do you understand?

18                  THE DEFENDANT: Yes, sir.

19                  THE COURT: At trial you would be presumed innocent,  
20 and the government would be required to prove you guilty by  
21 competent evidence beyond a reasonable doubt before you could  
22 be found guilty. You would not have to prove that you were  
23 innocent at trial. Do you understand?

24                  THE DEFENDANT: Yes, sir.

25                  THE COURT: If there were a jury trial, the jury would

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1 be composed of 12 people selected from this district, and all  
2 12 would have to agree unanimously that you were guilty before  
3 you could be found guilty. Do you understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: At trial you would have a right to see and  
6 hear all of the witnesses against you, and your attorney could  
7 cross-examine them. Your attorney could object to the  
8 government's evidence and offer evidence on your behalf. You  
9 would also have the right to have subpoenas issued to compel  
10 witnesses to come to court to testify in your defense.

11 Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: At trial you would have the right to  
14 testify if you wanted to, but no one could force you to  
15 testify. And if you chose not to testify, I would tell the  
16 jury that it could not hold that against you.

17 Do you understand?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: If you were convicted at trial, you would  
20 have the right to appeal that verdict. Do you understand?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Sir, do you also understand that by  
23 entering a plea of guilty here today, you are giving up all of  
24 the rights that I have just described, except for your right to  
25 counsel, and you will be found guilty based solely on your plea

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1 of guilty?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand, Mr. Evans, that you can  
4 change your mind right now for any reason and decide not to  
5 enter a plea of guilty?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Now, the next series of questions involve  
8 the charges and the possible punishment.

9 Sir, have you received a copy of the indictment?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you read the indictment?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Did you discuss the indictment with your  
14 attorneys?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Sir, do you understand that you are  
17 charged in Count One of that indictment with conspiracy to  
18 commit bribery by agreeing to receive bribe payments in  
19 exchange for directing University of South Carolina and  
20 Oklahoma State University basketball players to retain certain  
21 financial advisers and business managers, in violation of Title  
22 18 of the United States Code, Section 371?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Mr. Mark, what are the elements of that  
25 offense?

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1                   MR. MARK: Your Honor, in order for the government to  
2 prove this charge, there are four elements to the offense:

3                   First, that two or more persons entered into an  
4 unlawful agreement to commit federal funds bribery, in  
5 violation of Title 18, United States Code, Section  
6 666(a)(1)(B).

7                   Second, that the defendant knowingly and willfully  
8 became a member of the conspiracy.

9                   Third, that one of the members of the conspiracy  
10 knowingly committed at least one of the overt acts charged in  
11 the indictment.

12                  And fourth, that the overt act was committed to  
13 further some objective of the conspiracy.

14                  Further, in order to prove defendant guilty of federal  
15 funds bribery, the government must prove five elements beyond a  
16 reasonable doubt:

17                  First, that at the time alleged in the indictment, the  
18 defendant was an agent of an organization.

19                  Second, that in a one-year period the organization  
20 received federal benefits in excess of \$10,000.

21                  Third, that the defendant accepted or agreed to accept  
22 or solicited or demanded something of value from another  
23 person.

24                  Fourth, that the defendant acted corruptly with the  
25 intent to be influenced or rewarded with respect to a

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1 transaction of the organization.

2 And fifth, that the value of the transaction to which  
3 the payment related was at least \$5,000.

4 THE COURT: Thank you.

5 Mr. Evans, did you hear what the prosecutor said?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Sir, do you understand that if you did not  
8 plead guilty to Count One, the government would be required to  
9 prove each and every element of that charge beyond a reasonable  
10 doubt at trial?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Mr. Evans, have you discussed with your  
13 attorneys the potential punishment that you face if you were to  
14 plead guilty to that charge?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand that Count One carries a  
17 maximum term of imprisonment of five years?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: It also carries a maximum term of  
20 supervised release of three years.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And that there are potential financial  
23 penalties, including \$100 mandatory special assessment, that I  
24 must impose, and a fine that I could impose that could be as  
25 high as \$250,000 or twice the gross gained from the offense or

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1 twice the gross loss to any victims of the offense.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, I mentioned the term "supervised  
5 release." Do you understand that "supervised release" means  
6 that you will be subject to monitoring and supervision when you  
7 are released from prison, if I sentence you to a prison term?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And that there are terms and conditions of  
10 supervised release with which you must comply. And if you do  
11 not comply with them, you could be returned to prison without a  
12 jury trial. Do you understand?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you understand that if you violated the  
15 terms or conditions of supervised release and are returned to  
16 prison, that new prison term could be for part or all of the  
17 term of supervised release, and that you will not receive  
18 credit for time previously served on your sentence or time  
19 previously served on supervised release.

20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Sir, do you understand that as part of  
23 your sentence, I can also order restitution to any person  
24 injured as a result of your conduct?

25 THE DEFENDANT: Yes, sir.

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1                   THE COURT: Mr. Evans, do you further understand that  
2 if I accept your guilty plea and find you guilty, that  
3 determination may deprive you of certain valuable civil rights,  
4 such as the right to vote, the right to hold public office, the  
5 right to serve on a jury, the right to possess any kind of  
6 firearm, and the right to hold certain professional licenses?

7                   THE DEFENDANT: Yes, sir.

8                   THE COURT: Mr. Evans, are you a United States  
9 citizen?

10                  THE DEFENDANT: No, sir.

11                  THE COURT: What country are you a citizen of?

12                  THE DEFENDANT: The Bahamas.

13                  THE COURT: Mr. Martin, have you advised Mr. Evans of  
14 the possible immigration consequences of entering a plea of  
15 guilty to Count One of the indictment?

16                  MR. MARTIN: Your Honor, we have so advised Mr. Evans  
17 of those consequences. And we have also put Mr. Evans in touch  
18 with an immigration lawyer so that the immigration lawyer can  
19 go over those consequences and possible defenses that he may  
20 have.

21                  The answer is yes, we've spent considerable time with  
22 Mr. Evans on immigration issues, including immigration counsel.

23                  THE COURT: Thank you, Mr. Martin.

24                  I do need to inquire a little bit more, however.

25                  Mr. Evans, has your attorney advised you as to the

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1 possible immigration consequences of your plea?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And do you understand that there could be  
4 adverse immigration consequences, including possible  
5 deportation, as a result of your plea?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you understand that if there are  
8 adverse immigration consequences as a result of your plea, you  
9 will not be able to withdraw your plea or appeal or otherwise  
10 challenge your conviction on the basis of those adverse  
11 consequences?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand that there is a  
14 possibility that you will be deported from the United States  
15 after you serve your sentence on this case?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And do you understand that if for some  
18 reason you are not deported after serving a sentence, you will  
19 be subject to -- you will still be subject to supervised  
20 release?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And do you understand that even if you are  
23 deported, returning to the United States during your period of  
24 supervised release without the permission of the U.S. -- of the  
25 Secretary of the U.S. Department of Homeland Security would not

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1 only be a separate crime, but also a violation of the  
2 conditions of your supervised release?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand that if you have begun  
5 the process of becoming a naturalized U.S. citizen, the fact of  
6 your conviction could adversely affect that process?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you also understand the fact of your  
9 conviction could adversely affect any application you may make  
10 in the future to reenter the United States?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, the next series of questions for me  
13 to discuss involve the sentencing guidelines.

14 So let me begin by asking you, Mr. Evans, do you  
15 understand that there are sentencing guidelines that I must  
16 consider in determining the appropriate sentence in your case?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And have you spoken with your attorneys  
19 about how the guidelines apply to your case?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. Evans, do you understand that I have  
22 to calculate a guideline range, and then consider that range in  
23 determining what your sentence will be?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And do you also understand that I will not

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1 be able to make that calculation until after a presentence  
2 report has been prepared by the probation office, and both you  
3 and your attorneys, and the government have had a chance to  
4 review a draft of that report?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you further understand that even after  
7 I make the guidelines calculation, I have the ability to impose  
8 a sentence that can be higher or lower than what the guidelines  
9 recommend?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you also understand that in addition to  
12 the guideline range, I also have to consider a number of other  
13 factors which are set forth in the law known as Title 18 of the  
14 United States Code, Section 3553(a), which require me to  
15 consider, among others, factors concerning your personal  
16 history and characteristics, and the nature of the offense in  
17 determining the appropriate sentence in your case?

18 Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: So even after I calculate the guideline  
21 range, I must also consider these other factors. And again, I  
22 might settle on a sentence higher or lower than what the  
23 guidelines recommend. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Mr. Evans, do you understand that if your

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1 attorneys or anyone else has attempted to estimate or predict  
2 what your sentence will be, their estimate or prediction could  
3 be wrong?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Evans, while it is perfectly  
6 appropriate for you and your attorneys to have discussed how  
7 the sentence will be calculated, no one can give you any  
8 assurance of what your sentence will be.

9 Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Mr. Evans, I say all of this to you  
12 because you need to understand that today, that if your  
13 sentence is different from what your attorney or anyone else  
14 told you it might be, or if it is different from what you  
15 expect, or even if it is different from what is contained in  
16 your agreement with the government, you will still be bound by  
17 your plea and you will not be allowed to withdraw your guilty  
18 plea. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And Mr. Evans, do you understand that if  
21 you are sentenced to prison, there is no parole in the federal  
22 system and you will not be released early on parole?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Now, the next series of questions involve  
25 your agreement with the government.

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1           I have been given a letter; it is six pages long and  
2 it has a series of signatures on page 6 dated January 24, 2019.  
3 One of the signatures purports to be yours. I'm going to hold  
4 that up. Do you see that from where you are seated?

5           THE DEFENDANT: Yes, sir.

6           THE COURT: And sir, is that your signature on this  
7 page?

8           THE DEFENDANT: Yes, sir.

9           THE COURT: I will mark this Court Exhibit 1.

10           Now, Mr. Evans, did you read the agreement before you  
11 signed it?

12           THE DEFENDANT: Yes, sir.

13           THE COURT: Did you discuss it with your attorneys  
14 before you signed it?

15           THE DEFENDANT: Yes, sir.

16           THE COURT: Did you fully understand the agreement  
17 when you signed it?

18           THE DEFENDANT: Yes, sir.

19           THE COURT: Mr. Evans, does this agreement include  
20 your understanding of the entire agreement between you and the  
21 government?

22           THE DEFENDANT: Yes, sir.

23           THE COURT: Mr. Evans, is there any other agreement or  
24 is there any other promise about your plea or your sentence  
25 that is not contained in this agreement?

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1                   THE DEFENDANT: No, sir.

2                   THE COURT: Did anyone threaten you or force you to  
3 enter into the agreement?

4                   THE DEFENDANT: No, sir.

5                   THE COURT: Other than what is in the agreement, has  
6 anyone promised you anything or offered you anything to plead  
7 guilty?

8                   THE DEFENDANT: No, sir.

9                   THE COURT: Has anyone made a promise to you as to  
10 what your sentence will be?

11                  THE DEFENDANT: No, sir.

12                  THE COURT: Now, sir, there is a stipulation in the  
13 agreement concerning the sentencing guidelines. Do you  
14 understand that that stipulation binds you and it binds the  
15 government, but it does not bind me? I'm still going to make  
16 my own determination as to what the appropriate guidelines  
17 range is.

18                  THE DEFENDANT: Yes, sir.

19                  THE COURT: Do you also understand that under certain  
20 circumstances, you have the right to appeal any sentence that I  
21 might impose. However, because there is a provision in the  
22 agreement that says that if I sentence you within or below the  
23 stipulated guidelines range, you essentially are giving up your  
24 right to appeal the sentence that I impose.

25                  Do you understand that?

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1                   THE DEFENDANT: Yes, sir.

2                   THE COURT: Mr. Mark, will you please summarize what  
3 the government would expect to prove if this case were to go to  
4 trial.

5                   MR. MARK: In the event this case were to proceed to  
6 trial, the government would prove beyond a reasonable doubt  
7 that the defendant committed Count One. The government would  
8 do so by, among other things, documentary evidence, financial  
9 records, recorded calls and meetings, and witness testimony.

10                  This would include the defendant's employment  
11 contracts with the colleges, the University of South Carolina  
12 and Oklahoma State University. Those contracts were for him to  
13 serve as an assistant basketball coach, and they discuss roles  
14 and responsibilities as a basketball coach; and that the  
15 defendant was prohibited to accept money to steer basketball  
16 players to financial advisers and business managers. And there  
17 would be testimony from representatives of those schools who  
18 would discuss the same.

19                  There would be recorded phone calls which were  
20 recorded pursuant to judicially authorized wiretaps where the  
21 defendant and others discussed the bribes, including money that  
22 the defendant wanted for himself and money that he wanted to  
23 recruit athletes, where they discussed the players that the  
24 defendant was going to steer to the athlete advisers in  
25 exchange for the bribes that he received.

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1           There would be recorded meetings where he discussed  
2 the influence he had with players and their families; and how  
3 if any player doubted whether he was receiving financial  
4 incentives to steer a player, he would deny it. And then he  
5 would also bury other athlete advisers interested in these  
6 players.

7           There would be an audio and video-recorded meeting in  
8 a hotel in West Virginia during which the defendant introduced  
9 a player on one of his college basketball teams to one of the  
10 briber athlete advisers and during which he touted the briber's  
11 services.

12           There would also be financial records, including a  
13 wire transfer of one of the bribes; and witnesses testimony,  
14 including from cooperating witnesses who participated in a  
15 scheme and paid bribes to the defendant.

16           Based on all of that evidence and more, the government  
17 would anticipate that it would prove beyond a reasonable doubt  
18 the defendant's guilt of the offense.

19           THE COURT: What is the government's proffer  
20 concerning venue?

21           MR. MARK: Among other calls and meetings, there was a  
22 particular meeting in April 2016 that the defendant  
23 participated in in a hotel room here in New York where the  
24 defendant discussed with others in the scheme that he was  
25 going -- about the scheme and how he was going to influence the

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1 players to the bribers. And during that meeting, he received  
2 cash, a cash bribe.

3 THE COURT: Thank you.

4 Mr. Evans, did you hear what the prosecutor said?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And sir, have you clearly understood  
7 everything that has happened here today so far?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Evans, would you please tell me in  
10 your own words what it was that you did that makes you guilty  
11 of the crime to which you are pleading guilty?

12 THE DEFENDANT: Your Honor, sometime in late 2016 and  
13 '17, continuing, I agreed to -- with other codefendants in this  
14 case to accept cash payments in exchange for introducing them  
15 to certain college basketball players or accepted -- expected  
16 to be professional athletes. I accepted funds totaling  
17 approximately \$22,000.

18 In exchange for those funds, I offered to influence  
19 certain student athletes that I coach, both at South Carolina  
20 and Oklahoma State University, to Defendant Dawkins and Munesh  
21 Sood, business adviser in investment management services, once  
22 those student athletes entered the National Basketball  
23 Association.

24 I now know that accepting those funds in exchange for  
25 introducing any one player to those defendants was wrong and

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1 violated the law.

2 THE COURT: Sir, did anyone threaten you or force you  
3 to do those things?

4 THE DEFENDANT: No, sir.

5 THE COURT: Does either counsel wish me to make any  
6 further inquiries?

7 MR. MARK: The government would just proffer a couple  
8 of additional facts that are relevant here.

9 THE COURT: Very well.

10 MR. MARK: One is that the schools the defendant  
11 coached at each received federal funds in excess of \$10,000 per  
12 year.

13 Second, that in connection with influencing these  
14 players to these athlete advisers, who he expected they would  
15 sign with, that those signings of a potential NBA player is  
16 valued in excess of \$5,000.

17 And lastly, that this conspiracy, which he said began  
18 in 2016, continued through 2017.

19 THE COURT: Thank you.

20 Mr. Martin, do you wish me to make any further  
21 inquiry?

22 MR. MARTIN: No, your Honor.

23 THE COURT: Mr. Martin, do you believe that there is  
24 an adequate factual basis to support a plea of guilty?

25 MR. MARTIN: I do, your Honor.

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1                   THE COURT: Mr. Mark, do you believe there is an  
2 adequate factual basis to support a plea of guilty?

3                   MR. MARK: Yes, your Honor.

4                   THE COURT: You may be seated.

5                   Mr. Evans, how do you now plead to the charge in Count  
6 One of the indictment, guilty or not guilty?

7                   THE DEFENDANT: Guilty.

8                   THE COURT: Sir, are you, in fact, guilty of that  
9 charge?

10                  THE DEFENDANT: Yes, sir.

11                  THE COURT: Are you pleading guilty voluntarily and of  
12 your own free will?

13                  THE DEFENDANT: Yes, sir.

14                  THE COURT: Very well.

15                  Because you acknowledge that you are, in fact, guilty  
16 as charged in Count One of the indictment, because I find that  
17 you know your rights and are waiving them knowingly and  
18 voluntarily, with an understanding of the consequences of your  
19 plea, including the potential sentences that may be imposed, I  
20 accept your guilty plea and find you guilty on Count One.

21                  For the record, I note that I have also been provided  
22 with a consent preliminary order of forfeiture/money judgment  
23 also signed by the parties, by Mr. Mark on January 28, and by  
24 Mr. Martin and Evans on January 24.

25                  I will go ahead and so-order this document as well.

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1                   Mr. Evans, I will now direct that a presentence  
2 investigation be conducted by the probation department and that  
3 a report be prepared. You will be interviewed as part of that  
4 presentence investigation process. You can and should have  
5 your lawyer with you during that interview. It is also  
6 possible that you will be visited at your home and certain  
7 members of your family may be interviewed as well.

8                   The presentence report is a very important part of my  
9 decision as to what your sentence will be. So it is vital that  
10 when you receive a copy of the draft of the report, you review  
11 it very carefully with your attorney and bring any  
12 discrepancies to my attention. Both you and your lawyer will  
13 also have the right to speak on your behalf before the  
14 imposition of sentence.

15                   Do we have a date for sentence?

16                   THE DEPUTY CLERK: Yes. May 10 at 11 a.m.

17                   THE COURT: Does counsel have that information?

18                   MR. MARK: Yes.

19                   I just wanted to -- going back to the defendant's  
20 allocution, I just wanted to go over and see if your Honor  
21 could just confirm one fact: In particular, that the defendant  
22 knew at the time that he was doing these acts, when he was  
23 engaged in the scheme, that he knew what he was doing was  
24 wrong.

25                   THE COURT: I do believe that he said that before I

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1 asked him, but I will go ahead.

2 Mr. Evans, at the time that you were engaged in those  
3 acts, the ones that you read, that you know that what you were  
4 doing was wrong and against the law?

5 THE DEFENDANT: That it was wrong, yes.

6 THE COURT: And against the law.

7 THE DEFENDANT: No, I didn't know it was against the  
8 law, sir.

9 THE COURT: Okay.

10 Mr. Mark?

11 MR. MARK: Could we just have a second?

12 THE COURT: Sure.

13 (Counsel conferred)

14 MR. MARTIN: Excuse me, your Honor.

15 (Counsel conferred with defendant)

16 MR. MARTIN: If I could. He stated earlier on the  
17 record that he knew that what he was doing was wrong and  
18 violated the law.

19 THE COURT: That's what I recall him reading.

20 MR. MARTIN: May I have a moment, Judge?

21 THE COURT: Absolutely.

22 (Counsel conferred)

23 MR. MARK: Your Honor, we appreciate the Court's  
24 indulgence for the brief break.

25 We just wanted to confirm on the record that it is not

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1 an element of the offense that the defendant -- his allocution  
2 to him knowing specifically that this conduct was illegal. His  
3 acknowledgment that it was wrong is sufficient, and we  
4 understand that that is an agreement -- that that position is  
5 agreed to by defense counsel.

6 THE COURT: Very well.

7 That adjourns this proceeding.

8 I do have a question for the government.

9 As I understand it, two defendants remain in this  
10 indictment; is that correct?

11 MR. MARK: Yes, your Honor.

12 THE COURT: Therefore, is there a revised estimate of  
13 how long the trial will take if this case were to go to trial  
14 with the remaining defendants?

15 MR. MARK: Your Honor, obviously I think that it will  
16 be a quicker trial, without the three defendants who've pled.  
17 We anticipate this is going to be a two-to-three-week trial,  
18 and the government is obviously ready to proceed on April 22nd.

19 THE COURT: Very well. Thank you.

20 Unless there's anything else, gentlemen?

21 MR. MARTIN: May we contact your clerk to get a date  
22 to report back to probation, your Honor, after you adjourn?

23 We need to contact the clerk.

24 THE COURT: Okay.

25 MR. MARTIN: Thank you.

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1 THE COURT: Very well.

2 We're adjourned.

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